

**IN THE CIRCUIT COURT OF PIKE COUNTY, ALABAMA**

**REGIONS BANK, a** )  
**state banking association,** )

**Plaintiff and Counter Claim** )  
**Defendant as to Parcel 1** )

**CHARLENE RYLES, Administrator** )  
**of the Estate of Charlie G. Ryles and** )  
**CHARLENE RYLES, INDIVIDUALLY** )

**Cross Claim Plaintiff,** )

**V.** )

**THE ESTATE OF CHARLES G.** )  
**RYLES; CHECK CARE SYSTEMS;** )  
**ANDREANA PHIPHER** )  
**BLEND A RYLES; CHARLENE** )  
**RYLES; CHRISTOPHER RYLES;** )  
**DOROTHY D. RYLES; GREGORY D.** )  
**RYLES; KERONICA RYLES;** )  
**KIMBERLY RYLES & SANDRA** )  
**RYLES,** )

**Defendants; Counter Claim** )  
**Defendants; and Cross Claim** )  
**Defendants.** )

**CIVIL ACTION NO. CV -05-B- 014**

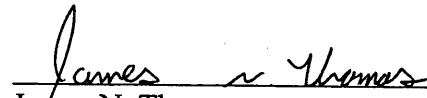
**MOTION TO AMEND COMPLAINT**

COMES NOW Charlene Ryles personally and as the Administrator of the Estate of Charles G. Ryles, the Cross /Counter Claim Plaintiff and Counter Claim Defendant in the above-styled cause (hereinafter "Plaintiff"), by and through her Counsel of Record herein, pursuant Rules 15 and 19 of the *Alabama Rules of Civil Procedure*, and request that the Court permit the Cross /Counter Claim Plaintiff and Counter Claim Defendant to amend the complaint by adding the Internal Revenue Service as a "Necessary Party", and for grounds in support, states as follows:

1. The property which is the subject matter of the Litigation was set to be sold by Court Order on August 24, 2005 at a "Sale for Division" and the proceeds divided among the heirs and other parties.
2. Counsel for Defendant was of the belief that the property was clear and free of any judgment liens against the heirs of Charles G. Ryles, except for those previously named as parties to the Action, given the fact that Counsel for Regions Bank ordered an Abstract of Title prior to its initiation of these proceedings by filing a Complaint to Reinstate Mortgage.
3. Two days prior to the sell, Counsel for the Plaintiff was contacted by an individual who was interested in purchasing the property. That individual inquired if Counsel could certify the title and a title search was conducted by Counsel's Office the next day. The search disclosed the existence of a lien held by the Internal Revenue Service against Gregory D. Ryles in the original amount of \$7,685.45 as recorded in book 2004 page 120 in the Office of the Judge of Probate of Pike County Alabama. Said lien is attached hereto and made part hereof as **Exhibit "A"**. Said lien was overlooked by the abstract company that conducted the original search.
4. Counsel for the Plaintiff requested the Court and Clerk delay the sell so the IRS could be named as a necessary party to the Sale For Division.
5. Counsel made extensive efforts to contact Gregory D. Ryles to confirm the lien belonged to him after the sale date. Only this past week was this confirmation obtained from the family.

6. The Courts have adopted a liberal policy toward allowing amendments: unless the opposing party can make some showing that they will be prejudiced by the amendment it should be allowed. *McElrath v. Consolidated Pipe and Supply Co.*, 351 So. 2d 560 (Ala. 1977). Further, under Rule 19 of the *Alabama Rules of Civil Procedure*: when the absence of a party would work prejudice to the other parties to the Action it is proper to allow the addition of the new party.

WHEREFORE, the undersigned respectfully requests that this Honorable Court enter an Order allowing the attached amended complaint and adding the Internal Revenue Service as a proper and necessary party to this action.

  
James N. Thomas  
Attorney for Cross Claim Plaintiff...  
THO148

**OF COUNSEL:**

JAMES N. THOMAS, LLC  
James N. Thomas  
Attorney at Law  
Post Office Box 974  
Troy, Alabama 36081  
(334)566-2181



I hereby certify that I have served a copy of the forgoing Motion on the Defendant at the following addresses by mailing a copy of same by Unites States Mail properly addressed and first class postage prepaid, on this 19th day of September, 2005:

Alan C. Christian  
Johnstone and Adams  
Post Office Box 1988  
Mobile, Alabama 36633

Charlene Ryles  
P.O. Box 113  
441 Bowden Street  
Brundidge, AL 36010

Gregory D. Ryles  
352 Aster Ave.  
Troy, AL 36081

Sandra Ryles  
P.O. Box 833  
Troy, AL 36081

Blenda Ryles  
PO Box 1272  
352 Aster Ave  
Troy, AL 36081

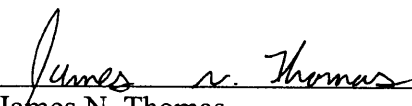
Keronica Ryles  
PO Box 833  
Troy, AL 36081

Kimberly Ryles  
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Christopher Ryles  
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Dorothy D. Ryles  
656 Henderson Drive Apartment 1  
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Andreana Phipper  
80 County View Dr  
Shorter, Al 36075-3562

  
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James N. Thomas